

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

BARRY LEONARD KEITH,

§

Plaintiff,

§

versus

CIVIL ACTION NO. 1:17-CV-423

BUREAU OF PRISONS,

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Defendant.

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MEMORANDUM OPINION AND ORDER

Plaintiff, Barry Leonard Keith, an inmate confined at USP Beaumont, proceeding *pro se*, filed this Emergency Petition for Temporary Injunction and a *Bivens*-type¹ complaint against the Bureau of Prisons.²

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the Petition for Temporary Injunction should be denied and the *Bivens* claims should be dismissed without prejudice for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date.³

¹ In *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), the Supreme Court recognized an individual's right to recover damages from federal officials for violation of constitutional rights.

² Plaintiff's complaint is handwritten and is not on the designated *Bivens* form complaint.

³ Plaintiff received a copy of the Report and Recommendation on October 27, 2017 (docket entry no. 4).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

SIGNED at Beaumont, Texas, this 27th day of November, 2017.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE